

## **Resolution CM/ResDH(2011)228<sup>1</sup>**

### **Execution of the judgments of the European Court of Human Rights Simonavičius, Gečas, Norkunas and Novikas against Lithuania**

(Application No. 37415/02, judgment of 27/06/2006, final on 27/09/2006,  
Application No. 418/04, judgment of 17/07/2007, final on 17/10/2007,  
Application No. 302/05, judgment of 20/01/2009, final on 20/04/2009,  
Application No. 45756/05, judgment of 20/04/2010, final on 20/07/2010)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter referred to as “the Convention” and “the Court”);

Having regard to the judgments transmitted by the Court to the Committee once they had become final;

Recalling that the violation of the Convention found by the Court in these cases concerns the excessive length of criminal proceedings (violations of Article 6 § 1) (see details in Appendix);

Having invited the government of the respondent state to inform the Committee of the measures taken in order to comply with Lithuania’s obligation under Article 46, paragraph 1, of the Convention to abide by the judgments;

Having examined the information provided by the government in accordance with the Committee’s Rules for the application of Article 46, paragraph 2, of the Convention;

Having satisfied itself that, within the time-limit set, the respondent state paid the applicants the just satisfaction provided in the judgments (see details in Appendix),

Recalling that a finding of violations by the Court requires, over and above the payment of just satisfaction awarded in the judgments, the adoption by the respondent state, where appropriate, of

- individual measures to put an end to the violations and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- general measures preventing, similar violations;

DECLARES, having examined the measures taken by the respondent state (see Appendix), that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases and

DECIDES to close the examination of these cases.

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<sup>1</sup> Adopted by the Committee of Ministers on 2 December 2011 at the 1128th Meeting of the Ministers’ Deputies

## Appendix to Resolution CM/ResDH(2011)228

### Information about the measures to comply with the judgments in the cases of Simonavičius, Gečas, Norkunas and Novikas against Lithuania

#### Introductory case summary

These cases concern the excessive length of criminal proceedings (violations of Article 6§1). In the Simonavičius case, the proceedings had been pending for six years and nine months for two levels of jurisdiction when the European Court gave its judgment (1999-2006). In the Gečas case, the proceedings lasted for nearly five years and eleven months at three levels of jurisdiction (1997-2003). In the Norkunas case, the proceedings lasted for seven years and almost five months at three levels of jurisdiction (1997-2004). In the Novikas case, the proceedings lasted for seven years and two months at three levels of jurisdiction (1998-2005).

#### I. Payment of just satisfaction and individual measures

##### a) Details of just satisfaction

Name and application number	Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total
Simonavičius (37415/02)	-	2 000 EUR	1 000 EUR	<b>3 000 EUR</b>
<b>Paid on 02/11/2006</b>				
Gečas (418/04)	-	900 EUR	581 EUR	<b>1 481 EUR</b>
<b>Paid on 29/11/2007</b>				
Norkunas (302/05)	-	2 000 EUR	725 EUR	<b>2 725 EUR</b>
<b>Paid on 12/05/2009</b>				
Novikas (45756/05)	-	1 800 EUR	1 500 EUR	<b>3 300 EUR</b>
<b>Paid on 20/10/2010</b>				

##### b) Individual measures

In the Simonavičius case, the Supreme Court delivered its final decision in November 2006. In the Gečas, Norkunas and Novikas cases, no individual measures were required as the proceedings had already ended when the European Court issued its judgments.

#### II. General measures

These cases present similarities to that of Girdauskas against Lithuania, the examination of which was closed by Resolution [CM/ResDH\(2007\)127](#), following the adoption of general measures.

However, additional issues in this field are highlighted in more recent judgments of the Court. The measures taken or envisaged by the Lithuanian authorities are being supervised by the Committee of Ministers in the Šulcas group (No. 35624/04, judgment of 05/01/2010) in which the Court also found a violation of Article 13 of the Convention.

The Court's judgments were translated into Lithuanian and placed together with explanatory notes on the website of the Ministry of Justice. Translations of the judgments were also placed on the official internet site of the National Courts' Administration. The Government Agent provided all relevant institutions and domestic courts with the judgments and an explanatory note.

### **III. Conclusions of the respondent state**

The government considers that the measures adopted have fully remedied the consequences for the applicants of the violation of the Convention found by the European Court in these cases, that these measures will prevent similar violations and that Lithuania has thus complied with its obligations under Article 46, paragraph 1, of the Convention.